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## **Austria**

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**Approved By:**

Paul Spencer

**Prepared By:**

Roswitha Krautgartner

**Report Highlights:**

Austria continues to be one of the leading forces in Europe opposed to the use of agricultural biotechnology. Biotechnology precautionary bills and biotech-free zones have been established in all nine of Austria's federal states. All major political parties have enshrined anti-biotech policies. At the EU level, Austria favors proposed member-state "opt out" measures for biotech approvals, promotes the use of socio-economic criteria in the regulatory approval process, and habitually votes against EU regulatory approval for new biotech crop varieties. NGOs and farmer organizations, the food-processing sector, and the retail sector all have marketing campaigns promoting GMO-free foods. Austria is promoting the local production of non-biotech soybeans in the Danube region.

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AGE S	Austrian Agency for Health and Food Safety (Agentur fuer Gesundheit und Ernaehrungssicherheit)
BAE S	Austrian Federal Office for Food Safety (Bundesamt fuer Ernaehrungssicherheit)
EPP O	European and Mediterranean Plant Protection Organization
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FAS	Foreign Agricultural Service
GE	Genetically Engineered
GMO	Genetically Modified Organism
IPR	Intellectual Property Rights
LLP	Low Level Presence
LMO	Living Modified Organism
MS	Member States (EU Member States)
NGO	Non-Governmental Organization
OEC D	Organization for Economic Co-operation and Development
OeV P	Austrian people's party (Oesterreichische Volkspartei)
OIE	World Organization for Animal Health
SPO e	Austrian social democratic party (Sozialdemokratische Partei Österreichs)

## **Section I: Executive Summary**

Austria continues to be one of the leading forces within Europe opposed to the use of biotechnology in agriculture. Austrian politicians, governmental decision makers, farmer organizations and consumers share the opinion that green, or agricultural, biotechnology carries incalculable risks. Also they do not see any benefits or need for biotech crops in Austria. Austrian ordinances effectively ban the planting of EU-approved biotech crops, such as insect resistant corn.

Biotechnology precautionary bills and biotech-free zones have been established in all of the nine federal states of Austria. In addition to that, tough national regulations on registration, liability and supervision further deter farmers and suppliers from employing agricultural biotechnology.

No labeled biotech foods can be found in Austria's supermarkets and grocery stores. Because of consumer anti-biotech sentiment, the Austrian retail sector refrains from stocking or selling foods containing ingredients that trigger EU GMO labeling laws.

NGOs and farmer's organizations, the food-processing sector, and the retail sector all have marketing campaigns promoting GMO-free foods.

Despite the widespread opposition towards GMOs, the Austrian animal sector is highly dependent on imports of soybean meal. A large majority of the 600,000 metric tons of soybean meal used in Austria is 'GMO'. Soybean meal is currently the only major agricultural biotech commodity found on the Austrian market.

Austria is in favor of the "opt out" proposal giving EU member-states more autonomy in the biotech approval process and the choice whether they allow the planting of biotech crops on their territory or not. The government believes that, over the long run, it can better prevent the cultivation of biotech crops under an 'opt out' policy than with the current national bans. More generally, Austria promotes the use of socio-economic criteria for the approval of biotech products.

Although Austria usually votes against any kind of agricultural biotechnology proposal, Austria voted in favor of the so called "technical solution" for low level presence (LLP) for biotech events in feed products that are not yet approved in the EU. This measure was intended to lower the commercial risks associated with finding minute traces of unapproved biotech crops in feed. High demand for soybeans as protein source for the animal industry is likely a main reason for Austrian government's support.

Austria is promoting the local production of non-biotech soybeans in the Danube region within the so called Danube Soy Initiative. As of November 2013, Austrian egg producers agreed on the only use of GMO-free soybeans certified under the Danube Soy Initiative in their laying hen's feed rations. This is

a result of pressure from the Austrian retail sector that uses the label 'GMO-free' for promoting its products.

For more information on the European Union biotech situation please see the current EU Agricultural Biotechnology Annual Report which can be found at the [FAS GAIN Report Data Base](#).

## **Section II: Plant and Animal Biotechnology**

### ***Chapter1: Plant Biotechnology***

#### ***Part A: Production and Trade***

##### **a. Product Development:**

There is no GE plant product development for commercialization in the next five years. There is only some small scale research at the university level on grapes and fruit trees in contained areas.

##### **b. Commercial Production:**

There is no biotech crop production in Austria. Austrian national bans successfully prevent the planting of EU-approved biotech crops. Biotech-free zones have been established in all of the nine federal states of Austria by the issuance of "biotech precautionary bills" and all Austrian states are members of the "European Network of GMO-free Regions."

#### **Non-GM Seed Corn**

Austria is an important corn seeds producer and the Austrian seed industry actively promotes non-GM seed corn. In 2012, Austria planted almost 8,000 ha seed corn and about half is exported. In August 2011, Pioneer Seeds opened a corn parent seed production facility in northeastern Austria. Austria's 'GMO-free' status was a factor in the plant's location choice.

##### **c. Exports:**

Since there is no commercial GE plant production, Austria does not export GE crops to the United States or other countries.

##### **d. Imports:**

The livestock and poultry industries are important components of Austrian agriculture and account for about 45 percent of total agricultural output. Animal production is highly dependent on imports of soybean meal. Austria imports on an average 600,000 MT of soybean meal per year for feed, the majority of which is 'GMO.' Those imports are mainly transshipments from Germany and the Netherlands, where soybeans from North and South America are processed into soybean meal.

Soybean meal is the only agricultural biotech product that can be found on the Austrian market.

e. Food Aid Recipient Countries:

Austria is not a food recipient.

**Part B: Policy**

a. Regulatory Framework:

As a member of the EU, generally EU regulations on biotech products also apply to Austria (see current EU Agricultural Biotechnology Annual Report which can be found at the [FAS GAIN Report Data Base](#)).

**Responsible Government Ministries**

Federal Ministry of Health (["Bundesministerium fuer Gesundheit"](#))

Responsible for contained use and deliberate release applications from industry and research institutions except universities.

Federal Ministry of Science, Research and Economy (["Bundesministerium fuer Wissenschaft, Forschung und Wirtschaft"](#))

Responsible for contained use and deliberate release applications from universities.

Federal Ministry of Agriculture, Forestry, Environment and Water Management (["Bundesministerium fuer Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft"](#)) / Federal Environment Agency (["Umweltbundesamt"](#))

Responsible for cultivation of biotech crops. Gives comments in cases of deliberate release and of placing products on the market.

**Biosafety Committee**

The Commission for Gene Technology ("Gentechnik-Kommission") is an advisory body consisting of representatives from science, industry, government, NGOs and trade unions. The Commission gives comments on regulations and ordinances, establishes technical guidelines and gives periodic reports to the Parliament. Its scientific subcommittees give advice on actual applications of contained use and deliberate release. The Austrian Gene Technology Act lays down the rules for the installation and work of this commission and its three standing scientific committees.

The Austrian Ministry of Agriculture initiated the Task Force on Gene Technology in Agriculture (Arbeitsgruppe Gentechnik in der Landwirtschaft) with the aim to achieve a coordinated approach for managing the coexistence of biotechnological crops, conventional crops and organically produced crops in all nine Federal States. This task force consists of members of the Agriculture Ministry, the Health Ministry, representatives of the nine Federal States, the Chambers of Agriculture, and representatives of the organic farmers association.

## Political Factors

All major Austrian political parties consistently vote against the use of agricultural biotechnology. The latest Austrian government policy plan (2013) by the two coalition parties, the social democratic party (SPOe) and the people's party (OeVP), includes a commitment to ensure GMO-free agricultural cultivation. The policy plan is valid through 2018.

On June 6, 2012, the five significant political parties in the Austrian national assembly passed a resolution in the agricultural committee confirming the Austrian cultivation ban of GMOs.

Within the Austrian agricultural community, many maintain that biotech crops pose a hazard to both organic and conventional farming. Austrians, and the vast majority of farmers, think that coexistence of biotech crops and conventional crops is impossible in Austria due to its small-scale farm structure.

Austrian ordinances still effectively ban the planting of all EU-approved biotech crops and the marketing of EU-approved oilseed rape and potato. The EU Commission has long criticized these ordinances.

Austria has always voted against the EU approval of any type of biotech variety. It is not expected that this will change in the near future.

To help support demand for meat from animals produced with non-biotech feeds, Austria is promoting the local production of soybeans and supports the "Danube Soya Association," to increase the production and processing of non-biotech soybeans in the Danube region. As of November 2013, Austrian egg producers agreed on the only use of GMO-free soybeans certified under the Danube Soy Initiative in their laying hen's feed rations. This is a result of pressure from the Austrian retail sector that uses the label 'GMO-free' for promoting its products.

Austria supports the development of organic agriculture in Africa, which excludes the use of biotech crops.

## Austrian Federal Law

As a member of the European Union, Austria has fully implemented the directives, decisions, regulations and guidelines of the European Union pertaining to LMOs (Living Modified Organisms) through federal laws and ordinances (see current EU Agricultural Biotechnology Annual Report which can be found at the [FAS GAIN Report Data Base](#)) **Austrian Gene Technology Act** ('Gentechnikgesetz') and its amendments represent the core of Austrian regulations. It regulates the main aspects of biotechnology and genetic engineering: contained use of LMOs, deliberate release of LMOs into the environment, the placing on the market of products that contain LMOs, and the application of biotechnology in human medicine, such as gene analysis and gene therapy. Several ordinances to the gene technology act specify detailed requirements. The Austrian regulations on biotechnology can be found at the website of the [Federal Ministry of Health](#) (only available in German).

The **Ordinance on Work with LMOs** in Contained Use ('Systemverordnung') defines the Gene Technology Act in more detail, such as risk assessment, the classification of LMOs, the necessary equipment of laboratories according to classification and scale, qualification of staff, safety aspects, and the measures to be taken in case of accidents.

The **Ordinance on the Deliberate Release of LMOs** into the Environment ('Freisetzungsverordnung') is also based on the Gene Technology Act and contains the requirements in more detail that have to be considered by applicants for the approval of a deliberate release of a LMO in Austria.

The **Ordinance on Public Hearings** ('Anhörungsverordnung') prescribes in more detail the administrative procedures that have to be considered in those cases where the Austrian Gene Technology Act requires a mandatory public hearing. These cases are: applications for deliberate release of LMOs into the environment and contained use of LMOs in higher risk classes and on a large scale.

The chapters of the **Book of Biotechnology** ('Gentechnikbuch') are put out by the Advisory Board on Gene Technology and outline the current "state of technology" in the field of biotechnology and genetic engineering and are meant to keep pace with biotech advances. The book has the legal status of an objectified expert opinion. If necessary chapters of the book can be published as an ordinance and thus enter into force like a law.

The **Register of Products Containing LMOs** ('Gentechnikregister') continuously lists up those products that have been approved under Directive [90/220/EEC](#) following the procedures of Article 13.

Austria has issued **ordinances to ban the cultivation and import of EU approved biotech products**. The measures were taken in accordance with Article 16 of Directive [90/220/EEC](#) where it says that MS may invoke a safeguard clause on biotech products. The European Commission believes that the bans are not justified and tried several times to lift the bans but Austria could successfully defend most of the bans.

Following safeguard clauses are still in effect:

Event banned	Scope	Date of Ban
Bayer T25 corn	Cultivation	2000 (Amended 2008)
Monsanto MON 810 corn	Cultivation	1999 (Amended 2008)
Monsanto GT73 rapeseed	Import/Processing	2007 (Amended 2008)
Monsanto MON 863 corn	Import/Processing	2008
Bayer Ms8 rapeseed	Import/Processing	2008
Bayer Rf3 rapeseed	Import/Processing	2008
Bayer Ms8XRf3 rapeseed	Import/Processing	2008
BASF EH92-527-1 potato	Cultivation	2010

The **Ordinance on Labeling of Products that Contain LMOs** ('Gentechnik-Kennzeichnungsverordnung') prescribes the mandatory labeling for products that contain LMOs or

consist of mixtures of both modified and non-modified organisms. This regulation does not apply to "novel foods", pharmaceuticals and products that are only destined for contained use or scientific purposes.

The **Ordinance on Genetically Modified Seed** ('Saatgut-Gentechnik-Verordnung') prescribes the mandatory labeling for all genetically modified seed varieties covered by Directive [90/220/EEC](#). Furthermore the ordinance sets up a threshold for accidental contamination of conventional and organic seed with genetically modified seed (0,1% for subsequent controls).

The **Ordinance on Thresholds of Certain Genetically Modified Organisms in Feed** ('Futtermittel-GVO-Schwellenwert-Verordnung') sets up a threshold of 1% for accidental or technically unavoidable contamination of feed with certain (approved) LMOs.

The **Ordinance on Seed Production Areas** ('Saatgut-Anbaugebiete-Verordnung') lays down requirements for seed production.

The **Ordinance to Limit Emissions in Waste Water Resulting from Work with LMOs** ('AEV Gentechnik - Verordnung zur Begrenzung von Abwasseremissionen aus Arbeiten mit gentechnisch veraenderten Organismen') regulates the limitation for emissions in waste water resulting from work with LMOs in containment.

The **Ordinance on the Protection of Employees Against Hazards Caused by Biological Agents** (Verordnung biologische Arbeitsstoffe –VbA) prescribes measures to be taken to avoid risks and dangers resulting from work with biological agents such as equipment, hygiene, handling of agents, reduction of exposure, vaccination of employees etc. An annex contains a classification of organisms.

The **Codex Alimentarius Austriacus** contains guidance about the definition of 'GMO-free' products. (Codexrichtlinie zur Definition der "Gentechnikfreiheit") This guidance applies for foodstuffs that are labeled as "biotech-free".

## **Federal State Law**

In Austria, natural conservation, water sheds, animal breeding, and fisheries are covered by state laws. In principle state laws on nature conservation lay down a prohibition of the deliberate release of LMOs into nature. Exceptions could theoretically be made in cases of compliance with the Austrian Gene Technology Act if there are no adverse effects on the balance of nature, on wild animals and plants, etc.

State-level biotech precautionary bills generally include the authority to pass statutory coexistence measures that protect against "contamination" from biotech crops.

The release of biotech crops is subject to prior registration or approval by the authorities. Sensitive areas like national parks or nature reserves are generally excluded from the planting of biotech crops.



b. Approvals:

Theoretically all EU approvals of GE crops apply to Austria but Austria still has bans in place that ban the planting and for some part the marketing of EU approved biotech crops and products. Austria generally votes against the approval of biotech crops.

c. Field Testing:

Austria does not carry out any type of biotech crop field trials. Theoretically, Austria has regulations on how to apply and how to approve biotech field trials. In the very unlikely case that a company or institution applied for such an approval it is expected that NGO's would effectively prevent or destroy the planting. In the past, there have been very limited confined trials, primarily on fruit trees.

d. Stacked Event Approvals:

Austria is in principle against the approval of biotech events which means in consequence that Austria would not vote for the approval of stacked events either. In general, stacked events are subject to risk assessment on EU-level.

e. Additional Requirements:

GE crop plantings have to be registered with the Austrian Federal Ministry of Health.

f. Coexistence:

### **Coexistence**

Austria has no federal coexistence law but all nine provinces implemented precautionary bills that include coexistence regulations. The Austrian Agriculture Ministry commissioned an expert team consisting of representatives of the Federal States, the Chambers of Agriculture, the Austrian Agency for Health and Food Safety, and the Agriculture Ministry. In addition, an enlarged team with representatives from breeders associations, the seed production sector and consumers was included to develop recommendations for a national strategy on coexistence. The expert group worked on developing uniform Austria-wide guidelines for coexistence management to help state authorities decide whether or not cultivation of biotech crops is possible in a given case and under which conditions such cultivation can be permitted (e.g. minimum isolation distances from non-biotech crops). These guidelines will be published if and when an actual need to establish a segregation distance for a proposed planting arises.

### **Liability**

The Biotechnology Act also serves to make producing biotech crops unattractive. Specifically, the Biotech Act foresees a) comprehensive compliance with the precautionary principle; b) "duty of care" against unintended mingling of biotech and non-biotech crops; c) the introduction of a "biotechnology register" to record dates and places of the release of biotech crops, and most important; d) liability and compensation rules regarding perceived damage from biotech crops neighboring conventional or

organic farmers. The law considers the presence of biotech DNA to be a basis for harm, rather than physically demonstrable damage.

g. Labeling:

EU regulations for labeling GE food are fully implemented in Austrian law. The Austrian **Ordinance on Labeling of Products that Contain LMOs** ('Gentechnik-Kennzeichnungsverordnung') prescribes the mandatory labeling for products that contain LMOs or consist of mixtures of both modified and non-modified organisms. This regulation does not apply to "novel foods", pharmaceuticals and products that are only destined for contained use or scientific purposes. Currently there are no food products in Austria which have to be labeled as biotech. However, regulations only require the labeling of food where GE crops are used as ingredients. Meat or dairy products deriving from animals fed with GE feed do not require GE labeling which is constantly criticized by Austrian NGOs. The Austrian GE-free labels may only be used for meat and dairy products deriving from animals only fed by GE-free feed.

**Voluntary Label GE-free**

There are two Austrian labels for biotech free products issued by ARGE Gentechnik-frei (Platform for GMO-free Food Products) which follows the requirements for biotech-free food products laid down by the Austrian food codex. One label states "produced biotech-free" (gentechnikfrei erzeugt); the second label says "produced without biotech" (ohne Gentechnik hergestellt). Currently more than 2,200 products are labeled under this program. Major products are milk and dairy products, bread and bakery products, eggs, soybean products, meat, fruits and vegetables.



h. Trade Barriers:

All EU trade barriers related to GE crops apply to Austria. In addition Austria has implemented its own cultivation and marketing bans on EU approved GE crops (see chapter 'Regulatory Framework').

i. Intellectual Property Rights (IPR):

A range of laws safeguards the protection of intellectual property in Austria. Regulations for intellectual property are laid down in the Austrian Patent Act, the Copyright Act, the Industrial Design Act and the Trademark Protection Act.

j. Cartagena Protocol Ratification:

## **Biosafety Protocol**

Austria signed the Cartagena Protocol on Biosafety on May 24, 2000. It was ratified in August 2002 and entered into force on September 11, 2003.

National Focal Point – Biosafety Clearing House

The [Federal Environment Agency](#) ('Umweltbundesamt') acts as the National Focal Point and Biosafety Clearing House in the framework of the Cartagena Protocol on Biosafety.

### **k. International Treaties/Fora:**

Austria is a member of several international organizations dealing with food and plants like most importantly the OECD, FAO, EPPO, and Codex Alimentarius.

### **l. Related Issues:**

The Austrian government supports the introduction of socio-economic criteria for GE products and the opt-out clause for member states to independently decide whether they want to use/plant GE crops or not.

### **m. Monitoring And Testing:**

The Austrian authority to ensure compliance with requirements regarding GE products in food and feed and related labeling regulations is with the Austrian federal states ("Bundesländer"). Food inspectors of the federal states take food samples at processing and trading companies for analysis. The number of samples to be tested is risk based and laid down in a control plan. The actual testing is carried out by either the food testing institutes of the federal states or the Austrian Agency for Health and Food Safety ([AGES](#)). The competence for monitoring seeds and propagating material is with the Federal Office for Food Safety ([BAES](#)).

### **n. Low Level Presence Policy:**

Austria has fully implemented the EU regulations on LLP.

## **Part C: Marketing**

### **a. Market Acceptance:**

Because of the anti-biotech attitude of Austrian consumers the Austrian retail sector agreed to refrain from stocking or selling biotech food. NGOs and farmer's organizations, the food-processing sector, and the retail sector are carrying out anti-biotech campaigns promoting GMO-free food.

## **Campaigning for Biotech-Free Food**

NGOs, the Austrian government and, increasingly, the retail sector and the food industry are promoting biotech-free food products. According to the Austrian food codex, which provides criteria for labeling requirements for biotech free products, meat, eggs, and dairy can only be labeled "biotech-free" if

produced from animals fed biotech-free feed. Several years ago, a few Austrian dairies began promoting biotech milk. Today, most milk produced in Austria meets the requirements for biotech free production. As of October 2010, most Austrian fresh egg production and as of January 2012, most Austrian broiler production also use biotech free feeds.

b. Public/Private Opinions:

Driven by a generation of NGOs and government messaging, the average Austrian consumer has a very negative attitude towards crops and food derived from biotech crops. Food products that must be labeled “biotech” do not sell in Austria.

Years of controversy have produced a large number of polling studies on Austrian and European attitudes toward GE crops. A very comprehensive study comes from the European Commission/Eurostat and is titled, [European's and Biotechnology – Winds of Change \(2010\)](#). Four findings from this study relative to the marketing of U.S. agricultural products are: 1) Opposition to GE foods is high and steady over time; 2) The level of support for GE foods is declining; 3) Familiarity with the technology or science does not improve attitudes; and 4) Educating consumers does not increase GE crop acceptance (implying that messaging is more important than facts).

c. Marketing Studies:

Some Austrian related data can be found in the latest special [Eurobarometer](#) publication on GE food products. Austrian studies related to GE products can be found at the website of the [Federal Ministry of Health](#).

**Part D: Capacity Building and Outreach**

a. Activities:

Since the Austrian public opinion towards GEs and GE products is one of the most hostile in Europe, FAS Vienna has not done outreach in the last years.

b. Strategies and Needs:

- Promote rational policies concerning low level presence in food products.
- Promote rational policies on new breeding techniques.
- Nominate Austrian specialists for the International Leadership Visitor Program for a better understanding of the U.S. position on biotechnology.

**Chapter 2: Animal Biotechnology**

**Part E: Production and Trade**

a. Product Development:

There is no research on GE animals for the food market in Austria. But GE-laboratory-animals are used for medical and pharmaceutical research mainly at universities. One focus of GE animal research is on 'gene farming' for cancer medication. Gene farming uses genetic engineering to insert genes that code for useful pharmaceuticals into host animals or plants. All animal experiments have to be carried out in approved laboratories and have to be reported to the Austrian Ministry of Health.

b. Commercial Production:

There is no commercial production of GE animals in Austria

c. Exports:

There are no exports of GE animals from Austria.

d. Imports:

There are no imports of GE animals to Austria.

**Part F: Policy**

a. Regulation:

As an EU member EU regulations on animal biotechnology and cloning of animals apply to Austria. Austria does not have any further specific regulations on animal biotechnology and cloning of animals but public opinion towards those techniques is expected to be even more hostile than towards plant biotechnology. The Austrian government expressed that animal cloning should not be used for food production.

b. Labeling and Traceability:

There are no regulations on GE animals and animal clones. Government officials express the need for labeling and traceability of clones from the United States.

c. Trade Barriers:

Same as EU trade barriers.

d. Intellectual Property Rights (IPR):

Regulations for intellectual property are laid down in the Austrian Patent Act, the Copyright Act, the Industrial Design Act and the Trademark Protection Act.

e. International Treaties/Fora:

Austria is a member of several international organizations dealing with animals and food deriving from animals like most importantly the OIE, FAO, and Codex Alimentarius.

**Part G: Marketing**

a. Market Acceptance:

There is only very little awareness of GE animals in the Austrian public.

b. Public/Private Opinions:

It can be expected that the acceptance of GE animals is even lower than the already very negative opinion towards GE plants.

c. Market Studies:

There are no Austrian specific marketing studies regarding GE animals.

***Part H: Capacity Building and Outreach***

a. Activities:

Currently there is no outreach on GE animals or cloning.

b. Strategies and Needs:

- Sensitive approach to GE animals. The topic is even more sensitive and emotional than GE plants.

Promote rational policies on animal cloning.